

REQUEST FOR RECONSIDERATION

The Office rejected original Claims 18-22 as obvious in view of information disclosed in the present specification that is asserted by the Office as prior art, in view of patents to Inumiya (U.S. 6,294,481) and Tomita (U.S. 5,959,329). Applicant traverses the rejection under 35 U.S.C. § 103(c).

U.S. Serial No. 10/625,730 and U.S. Patent No. 6,294,481 were, at the time the invention of Application 10/625,730 was made, owned by Kabushiki Kaisha Toshiba.

Because the invention of the present application was made at a time when U.S. Patent No. 6,294,481 was commonly owned, Applicant has disqualified Inumiya as prior art to the presently claimed invention. Applicant will submit a certified English translation of the priority document (JP 11-62295, filed on March 9, 1999). Applicant will thereby antedate a publication of a foreign application corresponding to Inumiya which may qualify as prior art under 35 U.S.C. § 102(a).

Applicant respectfully requests the withdrawal of the rejections.

New independent Claim 24 has been added. New independent Claim 24 requires that the step of forming a nitrogen-containing oxide film is carried out in the absence of hydrogen. Applicant has disclosed in the specification as originally filed that gate oxide films may be contaminated with hydrogen when the gate oxide film is covered with a nitride film that is formed from a material containing hydrogen. Hydrogen may diffuse from the nitride film into the gate oxide film thereby decreasing the performance of the gate.

Applicant submits that all now-pending claims are in condition for allowance and respectfully requests passage of the present application to Issue.

In the Office Action of July 9, 2004, the Office objected to the drawings. Applicants submit concurrently herewith replacement drawing sheets identifying Figs. 1A-B and Fig. 2A-B as prior art.

Applicant submitted on June 25, 2004 an Information Disclosure Statement containing a Japanese Office Action with English translation that two cited references on . A signed, dated and initialed copy of the form PTO-1449 was not returned with the Office Action of July 9, 2004. Applicant respectfully requests the Office return a signed, dated and initialed copy of the PTO-1449 submitted on June 25, 2004 to acknowledge the consideration of the references provided thereon in the examination of the present application.

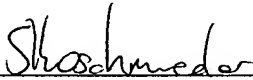
Respectfully submitted,

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